

witnesses; and provided further that such written testimony of all material witnesses to the transaction shall be delivered to the district clerk under seal, who shall deliver the same to the foreman of the grand jury and take his receipt therefor. Such foreman shall, on or before the adjournment of the grand jury, return the same to the clerk who shall receipt him and shall keep said testimony in the files of his office for a period of five years.

The fees mentioned in this Article shall become due and payable only after the indictment of the defendant for an offense based upon the charge filed in the examining court and upon an itemized account, sworn to by the officers claiming such fees, approved by the judge of the district court, and said county or district attorney shall present to the district judge the testimony transcribed in the examining trial, who shall examine the same and certify that he has done so and that he finds the testimony of one or more witnesses to be material; and provided further that a certificate from the district clerk, showing that the written testimony of the material witnesses has been filed with said district clerk, in accordance with the preceding paragraph, shall be attached to said account before such district or county attorney shall be entitled to a fee in any felony case for services performed before an examining court.

Only one fee shall be allowed for an examining trial, though more than one defendant is joined in the complaint. When defendants are proceeded against separately, who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined. The account of the officer and the approval of the judge must show that the provisions of this Article are complied with.

Sec. 2. The fact that the interests of the peace officers and the State can best be served by the passage of this bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2.

Amend S. B. No. 85 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Article 1020, Code of Criminal Procedure of the State of Texas for 1925; and declaring an emergency.

FORTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Austin, Texas, March 16, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills and resolutions:

By Senator Cousins (by request):
S. J. R. No. 25, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas by adding thereto another

section, Section 16a, providing for the offices of tax collector and assessor of Texas in counties having a population of more than one hundred and twenty-five thousand inhabitants; providing for an election upon such proposed amendment, and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senators Woodul, Small, and Pace:

S. B. No. 446, A bill to be entitled "An Act making it unlawful for any person to produce any crude petroleum within the State of Texas from any well or wells in excess of the amount of production allowed by the rules, regulations, and orders of the Railroad Commission of Texas made and promulgated in pursuance of any law of this State and imposing a penalty in addition to any penalty provided under any other law of this State in an amount equal to fifty (50c) cents for each and every barrel of unlawful oil so produced, and giving the State a lien on all of such unlawful oil, said lien to attach as and when the same is produced; etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 447, A bill to be entitled "An Act providing that all contractors on public works to be performed for the State of Texas or any county, political subdivision, incorporated city or town, shall, when he files his bid or proposal, furnish a schedule of the wages he proposes to pay to the workmen and various crafts to be employed on said work, and if the said wages are not adequate as determined by the officers letting the contract, same shall be rejected, until and when a schedule of wages are agreed upon, which shall be a part and parcel of the contract; that the governmental agency letting the contract shall have summary and plenary power coupled with all implied power to carry out the purposes of this Act; that every contractor shall, every two weeks, report all wages paid and wages delinquent, and the governmental agency letting the contract may demand and receive from the contractor such information as it deems material or may secure it from any other source; if it appears that said contract is violated, said contract

may be declared canceled; the governmental agency may pay the workmen out of any money due or to become due the contractor and charge same to his account; any State agency may call upon the Commissioner of Labor to make certain reports; this Act is cumulative of Articles 5160 and 5472a and 5472b, of the Revised Civil Statutes and shall not be construed to conflict therewith; all laws conflicting therewith are repealed; that every contractor shall keep posted around every job the schedule of wages agreed upon, and that the Attorney General shall sue for the State for all infractions of said contract and bond given to secure same; the obligation of the Labor Commissioner to furnish reports shall be mandatory; that any person aggrieved may appeal to the courts of Travis County for relief and should a contractor appeal and the final judgment be against him, a penalty of 12 per cent additional shall be affixed for delay; that this Act shall constitute a part of all bonds given by any contractor under Article 5160 of the Revised Civil Statutes and declaring an emergency."

Read and referred to Committee on Labor.

By Senators Collie and Oneal:

S. B. No. 448, A bill to be entitled "An Act amending Article 714 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Oneal and Collie:

S. B. No. 449, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Collie and Oneal:

S. B. No. 450, A bill to be entitled "An Act amending Article 23 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Oneal and Collie:

S. B. No. 451, A bill to be entitled "An Act amending Article 710 of the Code of Criminal Procedure of

the State of Texas, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Collie and ONeal:

S. B. No. 452, A bill to be entitled "An Act amending Article 658 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Collie and ONeal:

S. B. No. 453, A bill to be entitled "An Act amending Article 659 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 454, A bill to be entitled "An Act to amend Subdivision 32 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1931, Forty-second Legislature, First Called Session, page 27, Chapter 14, Section 1, relating to the district court for the Thirty-second Judicial District so as to exclude Howard County and to change the dates of convening the district court in the counties of the Thirty-second Judicial District of Texas; Subdivision 70 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 50, Chapter 19, relating to the district court for the Seventieth Judicial District of the State of Texas so as to include Howard County in the Seventieth Judicial District and exclude Andrews County; and to change the dates of convening of the district court in the counties of the Seventieth Judicial District; Subdivision 109 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, as created by Acts 1929, Forty-first Legislature, Regular Session, page 50, Chapter 19, relating to the creation of the 109th Judicial District of the State of Texas, so as to include Andrews County in the 109th Judicial District, and to change the dates of convening the district court in the counties of the One Hundred Ninth Judicial District; validating all process, writs, bonds, and recognizances of every kind and character heretofore

issued or entered into, and all grand and petit jurors selected and drawn under the existing laws of the various counties affected by this Act, and describing that same shall be returnable and said jurors served for the next term of court in the various counties affected after the taking effect of this Act; providing that this Act shall be effective August 1, 1933; providing that if any term of court shall be in session in any of the counties affected by this Act, the same shall continue in session until adjournment of the term, and thereafter the terms of court in such county shall be held in conformity with this Act; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodruff (by request):

S. B. No. 455, A bill to be entitled "An Act, the purpose of which is to safeguard the health of the people of this State by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid milk, sweet cream, butter fat, milk distributors and milk producers; providing for the Commissioner of Agriculture to promulgate and publish rules governing the production of milk; empowering and directing such Commissioner to fix minimum prices for which fluid milk and sweet cream may be sold, such minimum prices to be based upon costs of production of healthful milk, providing that the Commissioner may change such minimum prices not oftener than twice a year to meet the fluctuations in production costs, and providing for the Commissioner to publish such prices; providing further for the Commissioner to employ assistants and incur expenses for investigations of production costs, and that he shall investigate production costs, inspect dairies, and require reports of methods and production costs from milk producers; providing that such minimum prices shall be computed upon butter fat content of fluid milk and sweet cream; providing that no milk distributor may operate without an annual certificate of authority issued by the Commissioner setting out the daily maximum gallonage of fluid milk and sweet cream that may be handled

by such distributor; providing for a fee to be paid annually for such certificate of authority, such fee to be computed at the rate of ten cents per gallon of the maximum daily gallonage specified in the certificate of authority, such fees to be paid to the State Treasurer at Austin and kept in the 'Milk Distribution Fund' and used to defray the expenses of administering and enforcing this Act, and balance to be turned over to the general revenue fund at the end of each fiscal year; providing further that if any milk distributor violates any provision of this Act, the Commissioner shall cancel its certificate of authority; providing further that it shall be unlawful for any person or corporation to purchase or sell sweet cream or fluid milk at a less price than the minimum prices set by the Commissioner, and providing for a penalty of \$50.00 for each violation of this provision, suits for the recovery of such penalty to be brought in the county in which the violation shall occur or in which the person or corporation guilty of the violation shall reside and the suit to be instituted under the direction of the Commissioner and prosecuted by the Attorney General or the county or district attorney for the county or district in which suit is brought, and providing for a \$10.00 fee to be paid to the attorney prosecuting such suit; providing further that the Commissioner shall inquire fully for violations of this Act and see to the enforcement of the same, and giving him the right to inspect books kept by milk distributors and to require sworn reports from such distributors; providing further that the Commissioner shall do all necessary things to carry out the purposes of this Act and shall have the right to direct the Attorney General to enjoin any practice or method violative of this Act; providing that the holding of any provision thereof void or unconstitutional shall not nullify the other parts, repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Holbrook:

S. B. No. 456, A bill to be entitled "An Act to be known as Article 4386a, Revised Civil Statutes, 1925;

providing for the issuance of warrants for United States postage stamps to be used by boards or departments of the State government, and providing for the payment of such warrant irrespective of the serial number thereof or the priority of the issuance thereof; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Oneal and Collie:

S. B. No. 457, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Oneal and Collie:

S. B. No. 458, A bill to be entitled "An Act amending Article 677 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

S. C. R. No. 29.

Senator Patton sent up the following resolution:

Whereas, Waco, Beaumont, Trinity & Sabine Railway Company owns and operates two lines of railroads in East Texas, one extending from Weldon in Houston County via Trinity in Trinity County to Livingston, the county seat of Polk County, and the second, a branch line from Trinity via Groveton, the county seat of Trinity County, to Colmesneil in Tyler County, with 115 miles of main track, serving five counties in East Texas, together with numerous towns and cities; and

Whereas, The operation of said railway company is essential to the economic life and prosperity of the region which it serves, with a population of about fifty thousand people, and development of industrial life, which is in transition from mainly the manufacture of lumber to the greater and more important underlying resources; and

Whereas, Extensions of said railroad are required, namely, from Livingston to the Sabine ports of Beaumont and Port Arthur and from Weldon via Normangee to Waco, Texas, to create a new short, direct route,

from the Sabine ports, to the interior of Texas, connecting with the various trunk line systems heretofore constructed across the State of Texas, equalizing the position of the Sabine ports with other ports as to rates and distances and rendering the Sabine ports serviceable for the general public, which project has been approved twice heretofore by the Legislature of the State of Texas; and

Whereas, As of July 12, 1927, the Interstate Commerce Commission, on the grounds stated, granted the said railway company certificates of convenience and necessity authorizing the railway company to construct said extensions, work on which was begun but now is suspended on account of the present general depression; and

Whereas, In January, 1932, the railway company submitted to the Congress of the United States, then having under consideration the Reconstruction Finance Corporation Act, its situation and the Congress being advised in the premises, added an amendment to the Act making railroads in process of construction eligible for loans for completion of their projects; and

Whereas, the Waco Company has applied to the Reconstruction Finance Corporation for a loan of \$5,150,000 to enable it at this time to carry out and complete its plans; and

Whereas, consummation of said plans is of intense interest to the entire region between Waco and the Sabine ports; the work is calculated to give employment to several thousand people, afford a market for a large amount of material produced in the local territory, and relieve an acute situation of economic distress and difficulty; and

Whereas, the plans of the railway company are sound and meritorious and if consummated under current conditions will not only enable the construction of the railroad with great economy but will contribute to the relief of current conditions and the restoration of prosperity in the section intersected and elsewhere; now therefore, be it

Resolved by the Senate and House of Representatives of the State of Texas, That the Legislature of the State of Texas hereby endorses and

approves the application made by the railway company to the Reconstruction Finance Corporation and hereby requests the Reconstruction Finance Corporation to grant and the Interstate Commerce Commission to approve the loan applied for.

Resolved further, that certified copies of this resolution be transmitted at once to the Chairman of the Board of Reconstruction Finance Corporation and to the Chairman of the Interstate Commerce Commission, at Washington, D. C.

PATTON.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

House Bills Referred.

H. B. No. 575, referred to Committee on Military Affairs.

H. B. No. 475, referred to Committee on State Penitentiaries.

H. B. No. 431, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 271, referred to Committee on Banks and Banking.

H. B. No. 764, referred to Committee on Game and Fish.

H. B. No. 405, referred to Committee on State Affairs.

H. B. No. 596, referred to Committee on Counties and County Boundaries.

Message From the Governor.

Executive Department,

Austin, Texas, March 16, 1933.

To the Texas State Senate:

I ask your advice and consent to the appointment by me of the following persons to be Pilot Commissioners for the Ports of Galveston and Texas City, to-wit:

Peter M. Gengler, Galveston, Texas.

J. H. Langbehn, Galveston, Texas.

Robert I. Cohen, Galveston, Texas.

A. W. Purdy, Galveston, Texas.

E. V. Rhodes, Texas City, Texas.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 786, A bill to be entitled
"An Act to stay all sales under exe-
cutions, order of sale, or under any
deed of trust, mortgage, or other
contract giving or granting any
power of sale of real, personal, or
mixed property for debt now adver-
tised, or to be advertised, in the
future, for a period of one hundred
and twenty (120) days after March
15, 1933, providing that no other
or further advertisement or notice
of any such sale than that lawfully
given for sale prior to March 15,
1933, shall be required for such sale
after the expiration of one hundred
and twenty (120) days, making void
all sales in violation of this Act,
extending the time for return, and
declaring an emergency."

The House has concurred in Sen-
ate amendments to H. C. R. No. 40
by a viva voce vote.

The House has refused to adopt
H. C. R. No. 47, A joint resolution
Providing that the House of Rep-
resentatives stand adjourned from
March 18, to May 7, 1933.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 786, referred to Com-
mittee on Civil Jurisprudence.

Bills Signed.

The Chair, Lieutenant Governor
Edgar E. Witt, gave notice of sign-
ing, and did sign, in the presence of
the Senate, after their captions had
been read, the following bills and
resolutions:

S. B. No. 37.	H. C. R. No. 35.
S. B. No. 245.	H. C. R. No. 42.
S. B. No. 104.	H. C. R. No. 43.
S. B. No. 40.	H. B. No. 411.

Motion to Print.

Senator Holbrook called up the
motion spread on the Journal to
print S. B. No. 283 on minority re-
port.

Senator Purl moved as a substi-
tute that the bill be re-committed
to the Committee on Insurance.

Senator Woodward moved the pre-
vious question on the further con-
sideration of the pending motions.
The motion for the previous question
prevailed.

The motion to re-commit was lost
by the following vote:

Yeas—9.

DeBerry.	Rawlings.
Fellbaum.	Regan.
Greer.	Woodruff.
Poage.	Woodul.
Purl.	

Nays—20.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Redditt.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodward.

Absent.

Hopkins.	Neal.
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The motion to print prevailed by
the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Redditt.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.

Nays—7.

DeBerry.	Rawlings.
Greer.	Regan.
Poage.	Woodul.
Purl.	

H. J. R. No. 3.

The Chair laid before the Senate:
H. J. R. No. 3, A joint resolution
Proposing to repeal Article 5 of the
Constitution of the State of Texas,
the same being the article creating
the Judiciary Department of the
State and to adopt and enact a new

Article 5 in lieu thereof, reorganizing the Judiciary Department of the State of Texas.

Read second time.

On motion of Senator Woodward, the resolution was laid on the table subject to call.

S. J. R. No. 12.

On motion of Senator Woodward, S. J. R. No. 12 was laid on the table subject to call.

Special Order Set.

By unanimous consent, on motion of Senator Woodruff, S. B. No. 251 was set as special order Monday, immediately following the morning call.

S. C. R. No. 30.

Senator Purl sent up the following resolution:

Whereas, We recognize that in our President, Franklin D. Roosevelt, our State and Nation has a great leader, and a man who has ability and the courage to formulate and carry into execution plans which will afford the necessary relief for our people; and

Whereas, Our President was selected by the majority of the people of this country and in making this selection of a man the people of this country at the same time placed a greater burden on this man than has ever rested on any one man in the history of our country and he should be given the full support and confidence of the various State governmental agencies, the State legislatures and all of the people at large; and

Whereas, It is not practical for the Texas Legislature to pass laws at this time which may very likely be rendered inapplicable within the course of the next thirty days by some action of Congress which we are unable to anticipate at this time; and

Whereas, It will take several weeks for the President and the Congress at Washington to formulate definite plans of procedure of a solution to the problems confronting the Nation at this time; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Texas Legislature stand recessed for a period of thirty days from March 18, 1933; that all bills and other matters pending before this Legislature at the time of

such recess remain in status quo for the duration of such recess;

Be it further provided that all bills now in the various committees be given advance printing at once that they may be carefully studied during said recess.

Be it further provided that no salary or compensation shall be paid to any member or employee of the Texas Legislature during said recess.

PURL.

The resolution was read and ordered printed in the Journal on motion of Senator Purl.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 175 by a viva voce vote, and requests the appointment of a conference committee to adjust the difference between the two Houses. The following are appointed on the part of the House:

Holland, Walker, Van Zandt, Ratliff, Daniel.

The House has passed the following resolutions:

S. C. R. No. 12 (as amended), A concurrent resolution granting permission to John W. Almond, Jr., to sue the State for personal injuries.

S. C. R. No. 27, A concurrent resolution petitioning the Secretary of War to restore and re-establish Fort D. A. Russell.

The House has passed the following bills:

H. B. No. 271, A bill to be entitled "An Act to provide that transferors for collection of negotiable instruments shall be preferred creditors of State banks, and/or State bank and trust companies, authorized to do business under the laws of the State of Texas in certain cases, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act giving to Krisch, Lanham and Walker, a partnership firm composed of Rudy Krisch, Jr., R. E. Lanham, and S. P. Walker, of San Antonio, Bexar County, Texas, consent of the Legislature to sue the State of Texas and State Highway Commission for balance due under a con-

tract dated February 2, 1931, for the improvement of Road No. 131, Job No. 136-B, in Kinney County, Texas, commencing at Station 0/00, Brackettville, and extending thence to Station 486/60.3, Spofford, and for damages in connection with and growing out of said contract, and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act to amend Chapter 2, Title 128, Revised Civil Statutes of Texas, by adding thereto, after Articles 7700, Article 7700-a, authorizing the issuance of funding, refunding, and amortization bonds by water improvement district, prescribing the method thereof, the terms thereof, and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act amending Section 28, of Chapter 212, Acts of Regular Session, Fortieth Legislature; and declaring an emergency." (Relating to discharge of prisoners.)

H. B. No. 575, A bill to be entitled "An Act for the purpose of making plain the salute to the Texas Flag, and giving uniformity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary school will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used, and its position in the stripe so that uniformity shall be the result hereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag, and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act creating the office of county purchasing agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred fifty thousand (150,000) inhabitants, according to the last preceding Federal census, or any succeeding census; providing for the appointment of such agent; prescribing his duties, and fixing his compensation; making it unlawful for any person, firm, or corporation to purchase any supplies, materials, and equipment for, or to contract for, any repairs to property used by such county or any subdivision, officer, or employee thereof, except

such purchasing agent, and making it unlawful for the county auditor to draw, or for the county treasurer to honor, any county warrants drawn for such supplies, etc., and declaring an emergency."

H. B. No. 764, A bill to be entitled "An Act prohibiting the use of seines, nets, and trawls, or the possession of seines, nets, or trawls, in certain tidal waters of Willacy County; prescribing a penalty for violation of any provision of this Act; repealing all laws in so far as they may conflict with any provision of this Act; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Executive Session Set.

On motion of Senator Martin, the Senate voted to go into executive session tomorrow morning at 11:45 o'clock.

S. C. R. No. 31.

Senator Woodul sent up the following resolution:

Be It Resolved by the Senate of Texas, House of Representatives concurring, That the House return to the Senate for further consideration a memorial to Congress concerning the building of a storage reservoir on the Rio Grande River.

WOODUL.

Read and adopted.

Motion to Reconsider.

Senator Woodul spread on the Journal a motion to reconsider the vote by which the memorial failed of adoption.

Adjournment.

On motion of Senator Woodruff, the Senate, at 12:05 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 15, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 40 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 104 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 245 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 37 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 325, A bill to be entitled "An Act amending Article 4006 by adding Article 4006a, providing further exceptions to Article 4005 providing certain railways and certain other companies may issue passes and extend certain privileges to Indian War veterans; providing generally therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 395 (Complete unofficial election returns).

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

POAGE, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 226 (District meetings of political parties).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

POAGE, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 149 (Endorsement of ballots by counting judge).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

POAGE, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 73 (Party loyalty of candidates).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

POAGE, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 35 (Bond for county chairmen of political party).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with

committee amendments and be printed.

POAGE, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 35 as follows:

By striking out lines 10 and 11, and down to and including the word "conducted" in line 12 of the type-written bill, and insert in lieu thereof the following:

"And thereafter in a sum equal to fifty (50%) per cent of the amount of money received by said committee during the preceding year in which the election was conducted, provided, that each succeeding bond shall be in an amount not less than two thousand (\$2000.00) dollars."

Committee Amendment No. 2.

Amend S. B. No. 35 as follows:

Amend the caption to conform to the body of the bill.

Committee Room,

Austin Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 145 (Tapping petroleum containers or conductors).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 145 by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. Tapping. The term 'tapping' as used in this Act, is the making of any connection with a pipe line, conduit, or storage tank constructed for the purpose of transporting or storing crude oil, gasoline, naphtha, natural gas, casinghead gas, or any petroleum product whereby such crude oil, gasoline, naphtha, natural gas, casinghead gas, or any petroleum product is permitted or caused to escape from such pipe line, conduit, or storage tank, whether such connection be made by opening a valve therein, removing any plug or other apparatus there-

from, or by drilling or making a hole therein, or by adopting any other means whereby any such contents of such pipe line, conduit, or tank, is permitted to escape.

Sec. 2. Any person who shall unlawfully tap any pipe line, conduit, or storage tank, constructed for the purpose of transporting or storing crude oil, gasoline, naphtha, natural gas, casinghead gas, or any petroleum product without the consent of the owner, and with intent to injure such pipe line, conduit, or storage tank, or to permit the contents thereof to escape, or with intent to appropriate any portion of the contents of such pipe line, conduit, or storage tank to the use and benefit of the person tapping the same, shall be guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for a term of not less than one nor more than five years.

Sec. 3. The inadequacy of the present criminal laws of this State and the necessity of further adequately preventing the unlawful connecting to, tapping of or drilling into any pipe line or other conduit through which crude oil, gasoline, naphtha, natural gas, casinghead gas, or any petroleum product is transported, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted."

Committee Amendment No. 2.

Amend S. B. No. 145 by striking out everything above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act defining "tapping" and making it unlawful to tap, to connect, or to drill into any pipe line, conduit, or storage tank, containing crude oil, gasoline, naphtha, natural gas, casinghead gas, or any petroleum product without the consent of the owner and with intent to injure the pipe line, conduit, or storage tank, or to permit the contents thereof to escape, or to appropriate the contents to the use and benefit of the person tapping or making such connection; pro-

viding penalties, and declaring an emergency.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 28, A concurrent resolution the same being a resolution to grant E. B. Sullivan and W. W. Hawkins permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 311, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than three hundred and fifty (350) population shall be changed without the consent of the commissioners court of the county wherein said town, or city is situated; providing nothing in this Act shall prevent the re-routing of a State highway through a town to avoid railroad crossings, provided the commissioners court may require the old routing upon paying one-half the cost of necessary underpasses or overpasses, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 524, A bill to be entitled

"An Act to repeal Special Laws, Chapter 122 of the Thirty-ninth Legislature, Regular Session, 1925, known as H. B. No. 658, relating to a speical road tax for DeWitt County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 392, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to exchange land or interests heretofore conveyed to the State of Texas either for right-of-way, or for the use of the people of Texas for camping accommodations and park purposes under the provisions of the Act known and published as Chapter 37 of the General and Special Laws of the First Called Session of the Fortieth Legislature, page 110, for other lands or interests therein adjacent to or accessible from the State highway referred to in said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 263, A bill to be entitled "An Act authorizing the State Forester under the general supervision of the Board of Directors of the Agricultural and Mechanical College to cooperate and execute agreements with the Federal Forest Service, other Federal agencies and timberland owners, involving cooperative forest protection and development projects when such action is required by Federal statute or policy, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, March 16, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 261, A bill to be entitled "An Act for the purpose of making plain the salute to the Texas Flag and giving uniformity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary school will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used and its position in the stripe so that uniformity shall be the result thereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 21, the same being a resolution relating to the duties of the Highway Motor Patrol.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic to whom was referred

H. C. R. No. 27, the same being a resolution on the subject of compensation for damage done by the Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed.

RAWLINGS, Chairman.

Committee Amendment.

Amend H. C. R. No. 27 by striking out the last three paragraphs and insert in lieu thereof the following:

Whereas, The said W. E. Pope has never been compensated by the State Highway Department nor the State of Texas for alleged damages to his property, and

Whereas, The said W. E. Pope believes that he has just cause for action against the State Highway Department and the State of Texas, now therefore be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said W. E. Pope be and he is hereby granted permission to bring suit against the said State Highway Department and the State of Texas, venue of said suit to be in Travis County, to recover damages if any in such amount as the State Highway Department and the State of Texas may be liable for in the premises.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic to whom was referred

S. B. No. 300, A bill to be entitled "An Act to amend Sections 7 and 8 of Chapter 13, Acts of the Third Called Session of the 42nd Legislature; making an appropriation of moneys deposited to the credit of the county and road district highway fund up to September 1, 1935, for application on the payment of principal, interest and sinking fund on eligible obligations of the county and road districts of the State maturing from September 1, 1933, to September 1, 1935; making appropriation to defray the expenses incident to the administration of said Act; providing for the payment of all sinking funds on eligible issues into the State Treasury, providing for the investment of such funds and purchase of bonds by the board of county and

road district indebtedness; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute attached hereto do pass in lieu thereof and be printed.

RAWLINGS, Chairman.

C. S. S. B. No. 300.

A BILL

To Be Entitled

An Act to amend Sections 7 and 8 of Chapter 13, Acts of the Third Called Session of the 42nd Legislature; making appropriation of moneys deposited to the credit of the County and Road District Highway Fund to September 1, 1935, for application on the payment of interest, principal and sinking funds on eligible obligations of the county or road districts of the State maturing from September 1, 1933, to August 31, 1935; providing for the payment of all sinking funds hereafter acquired and all securities owned or hereafter acquired on eligible issues, into the State Treasury; providing for the investment of such funds and the purchase of bonds by the Board of County and Road District Indebtedness; providing that any county or road district which fails or refuses to comply with the provisions of this Act shall not participate in the benefits of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 7 and 8 of Chapter 13, Acts of the Third Called Session of the 42nd Legislature be amended so as to hereafter read as follows:—

"Sec. 7. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on or after January 1, 1933, and insofar as amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constituted and comprised a part of the system of designated State highways on September 17, 1932, or that theretofore constituted a part of said system, and which has either been changed, relocated, or abandoned,

whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations, or both; and all bonds, warrants or other evidences of indebtedness which have been issued and sold since September 17, 1932, or which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State highway pursuant to a contract existing on or before September 1, 1932, between the State Highway Department and any such county or district, shall be eligible to participate as of January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act, less, however, the amount of the sinking funds which was required to be accumulated in such funds of the respective counties and districts under existing laws, and under the provisions of the statutes and order of the Commissioners Courts authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run, regardless of whether the full amount of said funds are actually on hand and to the credit of the sinking funds of the several counties and defined road districts.

It being expressly provided in this connection that the term 'sinking funds' shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or road district above the legal requirements. The amount of such eligible indebtedness is to be determined as hereinafter provided. In the event the State Highway Commission has, on a date prior to September 17, 1932, indicated its intention of designating as State highways the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply.

(b) The Board of County and District Road Indebtedness, created by Chapter 13, Acts of the Third Called Session of the 42nd Legislature, consisting of the State Highway Engineer, State Comptroller of Public Accounts and State Treasurer, is hereby continued and charged with the du-

ties of administering this Act. The State Comptroller of Public Accounts shall be the Secretary of said Board and said Board shall elect its own chairman from its membership. The Board shall adopt its own rules consistent with this Act for the proceedings held hereunder and shall have authority to call to its assistance, in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employee of this State. The Board of County and Road District Indebtedness shall have access to all county and State records pertinent to its inquiry in arriving at the amounts of the bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

(c) Said Board shall avail itself of all data and information assembled in the administration of Chapter 13, Acts of the Third Called Session of the 42nd Legislature, and said Board is hereby authorized to call on any county judge or any of the county or State officials or employees, and shall have full access to all the records, books and public documents for the purpose of obtaining any information which they may deem necessary to a proper administration of the provisions of this Act.

(d) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission, and by the State Comptroller, and from such further investigation as said Board may deem necessary, to ascertain and determine the amount of indebtedness eligible under the provisions of this section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof have been expended partly on designated State highways, or highways heretofore constituting designated State highways, and partly on roads which never have been designated State highways, said Board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State high-

ways or on roads heretofore constituting State highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the County Judge by said Board, and all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys. The ascertainment and determination by the Board of County and District Road Indebtedness, after reasonable notice and hearing, of the amount of any county or district obligations eligible under the provisions of this Act to participate in any moneys coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually expended on State highways, or on roads heretofore constituting State highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

(e) The Comptroller shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest, and places of payment for each county and each defined road district; each issue and the data pertaining to same shall be listed separately. The Comptroller shall keep a record of all vouchers issued.

(f) The State Treasurer shall keep a separate account, for each county and defined road district, of any moneys received for the credit of said county or district pursuant to the provisions hereof.

(g) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be the eligible indebtedness of each county and each defined road district, and a copy thereof shall be furnished to each County Judge in this State.

(h) From year to year, and not later than July 15 of each year, said Board shall ascertain and de-

termine the sum necessary to pay the interest and principal maturing and sinking fund requirements, on all eligible obligations for the next succeeding calendar year and shall estimate the sum which shall be applicable to the same, and the Board in each instance shall certify the sums so ascertained and determined to the State Treasurer. After the Board shall estimate the amount applicable to interest, principal and sinking fund requirements, the Comptroller shall, not later than August 1 of each year, give notice to the County Judge of each county of the estimated amount available for application to said interest, principal and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any county or road district is sufficient to meet all maturing interest, principal and sinking fund requirements, the Commissioners Court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing interest, principal and sinking fund requirements, the County Commissioners Court shall collect, from taxes on the property in said respective counties and districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or district and the owner or holder of the present outstanding indebtedness of any such county and/or defined road district, shall not be in any manner disturbed or impaired and shall remain inviolate. Any tax heretofore provided to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied and collected as originally provided; however, the collection of said tax may, by order of the Commissioners Court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the

Special County and Road District Highway Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provision therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each County collecting the same together with a statement of the amount collected, to the State Treasurer and shall be held by the State Treasurer as ex-officio treasurer of said county or road district for the benefit of the County or District remitting the same, and be disbursed to meet the principal and interest requirements on the eligible obligations of said county or district remitting the amount of funds available to be applied to meet the maturing interest, principal and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the moneys available in the County and Road District Highway Fund, as estimated and determined by the Board, shall be, for that calendar or fiscal year, first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties or districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

(i) The County Commissioners Court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued, shall be eligible obligations within the meaning of this Act, except to the extent that the county is liable for that particular year, if said Board of County and Road District Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. In any instance where, in the opinion of said Board, the exist-

ing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and Road District Highway Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if said county or road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board said obligations so required to be refunded shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said Board with respect to refunding the same shall be complied with. Provided that no commission, bonus or premium shall be paid by any county or road district for the refunding of such obligations and no County Treasurer shall receive any commission for the handling of the funds derived from the refunding of such obligations.

(j) All moneys deposited to the credit of the County and Road District Highway Fund, with the State Treasurer, up to September 1, 1933, are hereby appropriated to said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as ex-officio treasurer of said respective counties and road districts, to the payment of the interest, principal and sinking fund requirements on all eligible obligations maturing on and from January 1, 1933, to September 1, 1933. All moneys remaining in said fund after payment of all eligible obligations maturing on and from January 1, 1933, to September 1, 1933, and sinking fund requirements, are hereby appropriated to said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as ex-officio treasurer of said respective counties and road districts, to the payment of principal, interest and sinking fund requirements on all eligible obligations maturing from September 1, 1933, to December 31, 1933, both inclusive. And each year thereafter until all of such eligible obligations are fully paid, all moneys coming into the

credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex-officio treasurer of said counties and districts, and shall be subject to appropriation for the payment of interest, principal and sinking fund maturing from time to time on said eligible obligations. As payment of principal or interest becomes due upon any such eligible obligation, the State Comptroller of Public Accounts shall issue his warrants to the State Treasurer for the payment thereof; and the State Treasurer shall pay same at his office in Austin, Texas, or by remitting same to the bank or trust company or other place of payment designated in the particular obligation. Such warrants shall state on their face that that the proceeds of the same are to be applied by the State Treasurer or other paying agent to the payment of certain specified obligations or interest therein described, giving the name of the county or district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer or the paying agent, bank or trust company to return to the Comptroller such obligations and interest coupons when same are paid, and the Comptroller shall, upon receipt of said obligations and coupons credit same on his records and send them, duly cancelled, to the Commissioners Court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

(k) Expense necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State in the construction of designated State highways, and in the discharge of the duties required for the payment of such obligations, shall be paid from the County and Road District Highway Fund by warrant approved by the State Comptroller and one other member of said Board. The Chief Accountant shall receive a salary not to exceed Two Hundred Fifty Dollars (\$250.00) per month; Auditors shall receive a salary not to exceed Two Hundred Dollars (\$200.00) per month; and the Bookkeepers and/or Bond Clerks not to exceed One Hundred Fifty Dollars

(\$150.00) per month; Stenographers and/or Clerks not to exceed One Hundred Dollars (\$100.00) per month, said salaries to be fixed by said Board.

(l) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are invested and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues, shall be forwarded within thirty days from the effective date of this Act, and thereafter within thirty days of the acquisition of such fund or securities, to the State Treasurer as ex-officio county treasurer of the various counties and road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations may also be remitted as above set forth at the option of such county or road district. Any county, the Commissioners Court of which fails or refuses to comply with the provisions of this Act in all things including the levy, assessment and collection of a tax of and at a rate sufficient to pay all sums due, or to become due, which the State is unable to pay or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with all the provisions hereof.

The Board of County and Road District Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds acquired in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State, and where there is on hand a sufficient amount of money or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board of County and Road District Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision.

(m) All moneys deposited to the credit of the County and Road District Highway Fund with the State Treasurer up to September 1, 1935, are hereby appropriated to said respective counties and road districts and shall be received, held, used and

applied by the State Treasurer as ex-officio treasurer of said respective counties and road districts to the payment of the interest, principal and sinking fund requirements on all eligible obligations maturing on and from September 1, 1933, to and including August 31, 1935, and each year thereafter until all of such eligible obligations are fully paid and moneys coming in to the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex-officio treasurer of said counties and districts and shall be subject to the appropriation for the payment of interest, principal and sinking funds maturing from time to time, on said eligible obligations. As payment of principal and/or interest becomes due upon any such eligible obligations the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants shall show on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, giving the name of the county or district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paying agent, bank or trust company to return to the Comptroller such obligations and interest coupons when same are paid, and the Comptroller shall, upon receipt of said obligations and coupons credit same on his records and send them, duly cancelled, to the Commissioners Court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

(n) House Bill No. 263 being an Act amending Section 7-j of Chapter 13, Acts of the Third Called Session of the 42nd Legislature, which was passed by the Regular Session of the Forty-third Legislature and approved by the Governor on February 27, 1933, is hereby in all things repealed.

"Sec. 8. No provision of this Act shall be construed to authorize the

giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible obligations, as herein defined, shall remain obligations of the respective counties or defined road districts which issued them and said counties or districts shall remain liable on said obligations according to their terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas directly or indirectly or contingently, for the payment of any such obligations or that the State of Texas should assume the payment of any of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders

have any right to enforce the appropriations of any of the moneys hereinabove provided for, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State highways, and to provide for the use and application of said counties and districts of the moneys to which they shall become or be entitled under the provisions of this Act."

Sec. 2. The fact that the present law governing the subject matter of this Act is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

In Memory
of
Hon. R. L. Williford

Senate Simple Resolution No. 65.

Senator Greer sent up the following resolution:

Whereas, On March 6, 1933, the Hon. R. L. Williford of Fairfield, Texas, departed this life; and,

Whereas, Judge Williford served the County of Freestone as its attorney and judge and served as a member of the Thirty-fourth and Thirty-fifth House of Representatives; and,

Whereas, He distinguished himself as a member of the State Senate in the Thirty-sixth Legislature of this State; and,

Whereas, The State of Texas has lost in the death of Judge Williford a great public servant and one of its most distinguished and patriotic citizens, a man of inestimable character, a man loved and esteemed by all who knew him; therefore, be it

Resolved, That the Senate of Texas extend our heartfelt sympathy and condolence to his family and loved ones in their bereavement; and, be it further

Resolved, That a copy of this resolution be forwarded to his family and that a page of the Senate Journal be set aside in honor of his memory; and, be it further

Resolved, That when the Senate adjourns on the 16th day of March, A. D. 1933, that it do so in honor of his memory.

GREER,
BECK,
BLACKERT,
COLLIE,
COUSINS,
DeBERRY,
DUGGAN,
FELLBAUM,
HOLBROOK,
HOPKINS,
HORNSBY,

MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,
PACE,
PARR,
PATTON,
POAGE,
PURL,
RAWLINGS,

REDDITT,
REGAN,
RUSSEK,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD.

Read and adopted unanimously by a rising vote.